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# LL & S, Inc.

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The Honorable Vernon A. Williams  
Secretary  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, DC. 20423

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Public Record



**Re: Formal Comment on Petition for Declaratory Order National Solid  
Wastes Management Association, et al of Finance Docket No. 34776.**

Dear Secretary Williams:

The following are the comments of LL&S, Inc. in support of the petition for Declaratory Order filed by National Solid Wastes Management Association, et al Finance Docket Number 34776.

LL&S has been a processor of Construction and Demolition materials for over twelve years and during that time we have processed and shipped over two million tons of C&D material in an environmentally compliant manner. We feel that this makes us qualified to comment on the STB's intention to extend exclusive jurisdiction over transfer stations that are proposed on rail haul locations.

Based upon our experience of processing and shipping material we can clearly state that the facility described in the NSWMA's Petition is not a true inter-modal facility, but a solid waste facility attempting to disguise itself as an inter-modal facility. Since the collection and processing of waste and then loading it into containers is far from typical railroad business we feel strongly that these facilities should be subject to local and state regulations and permitting as they are conducting business that relates to the operation of solid waste facilities which should not fall within the exclusive jurisdiction of the STB. Simply stated, once the material is loaded into a rail car, the STB should have jurisdiction, but until such time, this is a local and state regulatory issue and should be managed and regulated as such.

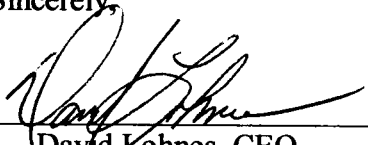
Furthermore there are many solid waste facilities currently existing that utilize rail but fall under the jurisdiction of local and state agencies as opposed to the STB. Why does the STB feel that the location of the facility changes the environmental impact from the operation of the facility? If the STB assumes jurisdiction over these facilities will the STB also assume the responsibility and liability related to future public health issues and impacts on the environment?



It would appear that these proposed facilities are attempting to misuse the jurisdiction of the STB in order to gain an unfair competitive advantage by avoiding local and state permitting requirements and recycling goals and it is time for the STB to make a ruling that these solid waste facilities do not fall under the jurisdiction of the STB.

In conclusion, we feel that the Surface Transportation Board should grant NSWMA's Petition for Declaratory Order.

Sincerely,

  
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David Lohnes CEO  
LL&S, Inc.